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NOV 22 2004

OFFICE OF PETITIONS

In re Application of :
William R. Dunn, Keuk-Sang Kwon and :
Hyoung Yol Park : DECISION REFUSING STATUS
Application No. 10/679,977 : UNDER 37 CFR 1.47(a)
Filed: October 10, 2003 :
For: FLAT PANEL DISPLAY HAVING AN
ISOLATED EMI LAYER AND INTEGRAL
HEATER AND THERMAL SENSORS

This is in response to the "Petition Under 37 CFR 1.47(a)," filed July 2, 2004 (Certificate of Mailing Date: June 30, 2004). The petition was recently forwarded to this office.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.
FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 10, 2003 without an executed oath or declaration and naming William R. Dunn, Keuk-Sang Kwon and Hyoung Yol Park as joint inventors.

Accordingly, on December 31, 2003, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on July 2, 2004 (Certificate of Mailing Date: June 30, 2004), the instant petition and a four (4) month extension of time were filed.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1) and (2), as set forth above.

As to item (1), applicant states that the non-signing inventors were only presented with "a Declaration, individual Powers of Attorney, and an Assignment." Unless the non-signing inventors were presented with a copy of the application papers (specification, claims and drawings), the non-signing inventors could not attest that they have "reviewed and understand the application papers" and therefore could not sign the declaration which they were given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventors have refused to sign the declaration. See MPEP 409.03(d). Applicant should show that a copy of the application papers (specification, claims and drawings) was presented to the non-signing inventors, but that they did not respond to, or refused, the request that they sign the oath/declaration in order to show that the inventors have refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration submitted July 2, 2004 does not contain the signature blocks of the either non-signing inventor. As such, the declaration does not set forth the residence, citizenship and mailing address of non-signing inventors. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by William Dunn on behalf of himself and the non-signing inventors is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
 2011 South Clark Place
 Crystal Plaza Two (left side entrance of building)
 Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in dark ink, appearing to read 'E. J. Tannouse', followed by a long horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office